

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested.

Currently, claims 11-17 and 27 remain pending in the present application, including independent claims 11 and 27. All of the claims are directed to a fabric product having a textured surface. The fabric product comprises a warp knitted fabric containing at least a first yarn and a second yarn. The fabric is formed in a manner such that the face surface of the fabric is predominately comprised of the first yarn.

In order to form a textured surface, the warp knitted fabric has been subjected to a napping process that has selectively napped the first yarn from the face surface. As described in the specification, the warp knitted fabric is napped in order to form a textured pattern that includes napped areas and unnapped areas.

In the Office Action, the Examiner requested clarification as to the meaning of the term "unnapped" as used in the pending claims. In response, the Examiner's attention is directed to pages 4 and 11 in the present specification. As stated in the specification, during formation of the fabric product of the present invention, a size solution is applied to the fabric prior to the napping process. As stated on page 4, the size solution prevents the first yarn from being napped from the surface of the fabric.

For purposes of examination, the Examiner interpreted the term "unnapped" as a region that has been slightly napped but has been napped significantly less than the "napped" regions defined in the claims. This interpretation, however, is contrary to the teachings of the specification which state that there is no appreciable napping occurring in the regions defined as unnapped areas.

In the Office Action, clarification was also requested regarding the phrase "chain stitch" as defined in claim 17. In response, the phrase "chain stitch" is intended to carry its ordinary and accustomed meaning in the claims when used in conjunction with the formation of a warp knitted fabric. For instance, a chain stitch may be defined as a looped machine stitch resembling the links of a chain.

Claim 13 was also objected to under 35 U.S.C. § 112. In response, claim 13 has been amended to state that the sizing solution has been removed after the fabric has been napped.

Claims 11, 12 and 14-17 currently stand rejected under 35 U.S.C. § 103 over Shimizu in view of Tortora. As opposed to the currently pending claims, however, Shimizu fails to disclose or suggest a warp knitted fabric that includes a textured pattern defined by napped areas and unnapped areas. Instead, the fabric disclosed in Shimizu is napped over the entire area of the fabric. In particular, Shimizu teaches napping an entire surface of a sheet and then subjecting the surface to a fluid jet stream to form a pattern on the napped surface. The pattern includes napped regions and "reversed napped" regions.

A reversed nap surface, however, is still a napped surface and is much different in construction than the unnapped areas defined in claims 11 and 27. In fact, since Shimizu teaches napping the entire surface of a fabric, Shimizu teaches away from forming unnapped areas as defined in the currently pending claims. As such, it is believed that the claims patentably define over Shimizu either alone or in combination with Tortora.

In the Office Action, independent claim 11 was also rejected under 35 U.S.C. § 103 over Dischler in view of Tortora. Dischler is directed to providing sueded hand to greige or unprepared fabrics. In Dischler, the fibers at the surface of a fabric are first immobilized with a temporary coating comprising a size or ice. The fabric is then sanded or napped. As stated in column 4, the sanding or napping process forms "nicks" of various sizes on the surface fiber, including nicks which entirely cut through some of the fibers. As stated at line 37 of column 4, the cut fiber ends are released during subsequent processing to form a pile which is uniformly short.

As opposed to the currently pending claims, however, Dischler does not disclose or suggest forming unnapped areas as particularly defined in claims 11 and 27. More particularly, in Dischler, the fibers are immobilized but are still subjected to "nicking". In the present invention, on the other hand, as stated in the specification, a size solution may be applied to the fabric that substantially prevents the first yarn of the fabric from being napped. As such, it is believed that the claims patentably define over Dischler either alone or in combination with Tortora.

In fact, in Dischler, great emphasis is placed on the formation of nicks which provide the fabric with a suede-like feel that is "dramatically more resistant to pilling". As such, Dischler teaches away from forming unnapped areas as required in the presently pending claims.

In summary, it is believed that the currently pending claims as presently amended patentably define over the prior art of record and are in complete condition for allowance. Should any issues remain after this response, however, than Examiner Befumo is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

September 2, 2003

Date

Respectfully submitted,


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